

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA ~~RECEIVED~~
NORTHERN DIVISION

2006 NOV 15 P 3:53

J.S., (a minor child by and through his
father and next friend, John Seawright),

DEBRA P. HACKETT, CLK
U.S. DISTRICT COURT
MIDDLE DISTRICT ALA

Plaintiff,

*

*

vs.

*

Civil Case No. 02:05-cv-928-WKW

*

Officer Curt Campbell, in his individual
capacity,

*

*

*

Defendant.

*

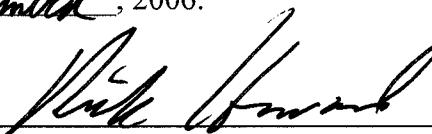
DEFENDANT'S BILL OF COSTS

COMES NOW Defendant, Officer Curt Campbell, and files this Bill of Costs pursuant to 28 U.S.C. § 1920 and Rule 54(d)(1) of the Federal Rules of Civil Procedure. In support of his Bill of Costs, Defendant states as follows:

1. Title 28 of the United States Code, § 1920 allows a Judge or Clerk of the Court to tax costs.
2. Rule 52(d)(1) of the Federal Rules of Civil Procedure states that costs, other than attorney's fees, shall be allowed as a matter of course to the prevailing party.
3. Defendant files this Bill of Costs and Bill of Costs form with the Court Clerk, requesting the Court Clerk to grant the costs stated below and listed on the form. See Exhibit "A".
4. Rule 54(d)(1) of the Federal Rules of Civil Procedure allows costs to be awarded to the prevailing party.
5. The Defendants were the prevailing party in the above-styled case. See Exhibit "B".
6. Defendants request the Court to enter an award of costs in its favor.

WHEREFORE, Defendant requests the Court Clerk to issue an Order for Plaintiff to reimburse it for the costs that were incurred in defending this action pursuant to 28 U.S.C. § 1920 and Rule 54(d)(1) of the Federal Rules of Civil Procedure.

Respectfully submitted this 15th of November, 2006.


ALEX L. HOLTSFORD, JR. (HOL048)
RICK A. HOWARD (HOW045)
APRIL M. WILLIS (WIL304)
Attorneys for Curt Campbell

OF COUNSEL:

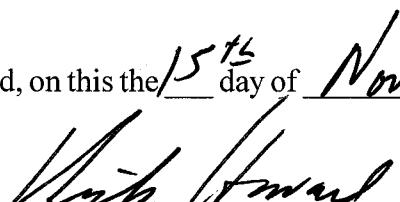
Nix Holtsford Gilliland Higgins & Hitson, P.C.
Post Office Box 4128
Montgomery, AL 36103-4128
(334) 215-8585

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing has been served upon:

Jay Lewis
Andy Nelms
847 S. McDonough Street
Montgomery, Alabama 36104

by placing same in the United States Mail, postage prepaid, on this the 15th day of Nov., 2006.


OF COUNSEL

UNITED STATES DISTRICT COURT

MIDDLE

District of

ALABAMA

J.S.

BILL OF COSTS

V.

Curt Campbell

Case Number: 02:05-cv-928-WKW

Judgment having been entered in the above entitled action on 11/09/2006 against Plaintiff,
 the Clerk is requested to tax the following as costs:

Fees of the Clerk	\$
Fees for service of summons and subpoena
Fees of the court reporter for all or any part of the transcript necessarily obtained for use in the case	955.05
Fees and disbursements for printing
Fees for witnesses (itemize on reverse side)	350.96
Fees for exemplification and copies of papers necessarily obtained for use in the case	132.93
Docket fees under 28 U.S.C. 1923
Costs as shown on Mandate of Court of Appeals
Compensation of court-appointed experts
Compensation of interpreters and costs of special interpretation services under 28 U.S.C. 1828
Other costs (please itemize)	393.86
	TOTAL \$ 1,832.80

SPECIAL NOTE: Attach to your bill an itemization and documentation for requested costs in all categories.

DECLARATION

I declare under penalty of perjury that the foregoing costs are correct and were necessarily incurred in this action and that the services for which fees have been charged were actually and necessarily performed. A copy of this bill was mailed today with postage prepaid to: Jay Lewis, 847 S. McDonough Street, Montgomery, AL 36103

Signature of Attorney: Rick A. HowardName of Attorney: Rick A. HowardFor: Curt Campbell

Date: _____

Name of Claiming Party

Costs are taxed in the amount of _____

and included in the judgment.

DEBRA P. HACKETT

Clerk of Court

By: _____

Deputy Clerk

Date _____

WITNESS FEES (computation, cf. 28 U.S.C. 1821 for statutory fees)

NAME AND RESIDENCE	ATTENDANCE		SUBSISTENCE		MILEAGE		Total Cost Each Witness
	Days	Total Cost	Days	Total Cost	Miles	Total Cost	
Laura Walker, Pollard Street, Fort Deposit, AL	1	40.00			76	33.82	73.82
Melissa Searight, Pollard Street, Fort Deposit, AL	1	40.00			76	33.82	73.82
Evelyn Bedgood, School Street, Fort Deposit, AL	1	40.00			76	33.82	73.82
Cathy Iverson, Fort Deposit, AL	1	40.00			102	45.05	85.05
Josephine Carroll, Montgomery, AL	1	40.00			10	4.45	44.45
							0.00
						TOTAL	\$350.96

NOTICE

Section 1924, Title 28, U.S. Code (effective September 1, 1948) provides:

“Sec. 1924. Verification of bill of costs.”

“Before any bill of costs is taxed, the party claiming any item of cost or disbursement shall attach thereto an affidavit, made by himself or by his duly authorized attorney or agent having knowledge of the facts, that such item is correct and has been necessarily incurred in the case and that the services for which fees have been charged were actually and necessarily performed.”

See also Section 1920 of Title 28, which reads in part as follows:

“A bill of costs shall be filed in the case and, upon allowance, included in the judgment or decree.”

The Federal Rules of Civil Procedure contain the following provisions:**Rule 54 (d)**

“Except when express provision therefor is made either in a statute of the United States or in these rules, costs shall be allowed as of course to the prevailing party unless the court otherwise directs, but costs against the United States, its officers, and agencies shall be imposed only to the extent permitted by law. Costs may be taxed by the clerk on one day's notice. On motion served within 5 days thereafter, the action of the clerk may be reviewed by the court.”

Rule 6(e)

“Whenever a party has the right or is required to do some act or take some proceedings within a prescribed period after the service of a notice or other paper upon him and the notice or paper is served upon him by mail, 3 days shall be added to the prescribed period.”

Rule 58 (In Part)

“Entry of the judgment shall not be delayed for the taxing of costs.”